

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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DENNIS MICHAEL WILSON, JR.,

Plaintiff,

v.

DECISION AND ORDER  
15-CV-303

NANCY A. BERRYHILL, Acting Commissioner  
of Social Security,

Defendant.

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The above-referenced case was referred to Magistrate Judge Jeremiah J. McCarthy, pursuant to 28 U.S.C. § 636(b)(1)(B). On March 7, 2017, Magistrate Judge McCarthy filed a Report and Recommendation (Dkt. No. 14), recommending that the plaintiff's motion for judgment on the pleadings (Dkt. No. 7) be granted, and the Commissioner's motion for similar relief (Dkt. No. 12) be denied. Magistrate Judge McCarthy further recommended that this case be remanded to the Commissioner for further proceedings.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge McCarthy's Report and Recommendation, the plaintiff's motion for judgment on the pleadings is granted, and the Commissioner's motion for similar relief is denied. This case is remanded to the Commissioner for further proceedings, consistent with the findings in the Report and Recommendation.

The Clerk of Court shall take all steps necessary to close the case.

IT IS SO ORDERED.

*Richard J. Arcara*

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HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT COURT

Dated: March 28, 2017